

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ERWIN MILLER, as Executor of the Estate  
of Loretta Doyle,

Plaintiff,

v.

McCABE, WEISBERG & CONWAY, P.C.,

Defendant.

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: CIVIL ACTION  
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: No. 17-3063  
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**ORDER**

**AND NOW**, this 9th day of March, 2018, upon consideration of the Cross-Motions for Summary Judgment filed by Plaintiff Erwin Miller (“Miller”), as Executor of the Estate of Loretta Doyle, and Defendant McCabe, Weisberg & Conway, P.C. (the “McCabe Firm”), along with the numerous briefs in support and opposition to the respective Motions, it is hereby **ORDERED** that:

1. the McCabe Firm’s Motion for Summary Judgment (Doc. No. 11) is **GRANTED**. Miller’s claim under the Fair Debt Collection Practices Act is **DISMISSED WITH PREJUDICE**. Miller’s state law claim under the Pennsylvania Unfair Trade Practices and Consumer Protection Law is **DISMISSED WITHOUT PREJUDICE**, as the Court declines to exercise supplemental jurisdiction over it pursuant to 28 U.S.C. § 1367(c)(3); and
2. Miller’s Motion for Summary Judgment (Doc. No. 12) is **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE